

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT BERGSTROM, et al. ,

Plaintiffs,

v.

UNITED STATES NAVY, et al.,

Defendants.

CASE NO. C21-55 MJP

ORDER STRIKING MOTION FOR
SUMMARY JUDGMENT

THIS MATTER comes before the Court upon Plaintiffs' Motion for Summary Judgment (Dkt. No. 8.) Having reviewed the Motion and the related record, the Court STRIKES the Motion without prejudice.

On January 15, 2021 Plaintiffs filed this lawsuit against the United States, several United States agencies, and Naval Secretary Kenneth Braithwaite in his official capacity. (Dkt. No. 1.) On February 1, 2021 Plaintiffs asked the Clerk to issue a summons and filed their Motion for Summary Judgment, with a noting date of March 5, 2021. (Dkt. Nos. 8-10.) Federal Rule of Civil Procedure 12(a)(2) allows Defendants 60 days to serve their answer, yet Plaintiffs' Motion

1 noted more than a month ahead of this deadline. Plaintiffs' Motion was therefore premature
2 because Defendants have not had an opportunity to answer or appear and the Court STRIKES
3 Plaintiffs' Motion for Summary Judgment. Plaintiffs are granted leave to refile the Motion once
4 Defendants have entered an appearance or Plaintiffs have demonstrated that service was
5 perfected and the deadline for Defendants to appear has passed.

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7 The clerk is ordered to provide copies of this order to all counsel and to STRIKE
8 Plaintiffs' Motion for Summary Judgment (Dkt. No. 8).

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10 Dated March 10, 2021.

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13 Marsha J. Pechman
14 United States Senior District Judge
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